

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VESTER MILLS #208720,

Plaintiff,

No. 07-cv-13285

vs.

Hon. Gerald E. Rosen

BLAINE LAFLER, et al.,

Defendants.

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ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION ON DEFENDANT FIELDS'
MOTION FOR PARTIAL DISMISSAL

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on July 1, 2010

PRESENT: Honorable Gerald E. Rosen
United States District Chief Judge

This matter having come before the Court on the May 18, 2010 Report and Recommendation of United States Magistrate Judge Mark A. Randon recommending that the Court grant Defendant Passion Fields' Motion to Dismiss Plaintiff's state law claims against her; and Plaintiff having timely filed objections to the Magistrate Judge's Report and Recommendation, and Defendant having responded; and the Court having reviewed the Magistrate Judge's Report and Recommendation, Plaintiff's objections and Defendant's response, and the Court's file of this action and having concluded that, for the reasons stated in the Report and Recommendation, Plaintiff's state law claims

Defendant Fields should be dismissed; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of May 18, 2010 [**Dkt. # 57**], be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendant Fields' Motion to Dismiss [**Dkt. # 52**] be, and hereby is, GRANTED. Accordingly, Plaintiff's state law claims against Defendant Fields are hereby DISMISSED, in their entirety.

All claims against all of the other Defendants having been previously dismissed,

IT IS FURTHER ORDERED that this case shall proceed to trial on Plaintiff's § 1983 claim for violation of Eighth Amendment rights against Defendant Fields. Accordingly, this matter is returned to Magistrate Judge Randon for Final Pretrial/Settlement Conference and any other necessary pretrial proceedings, including the parties' consideration of consent to trial before the Magistrate Judge.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: July 1, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 1, 2010, by electronic and/or ordinary mail.

s/Ruth A. Gunther
Case Manager